

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 UNITED STATES OF AMERICA, )  
9 )  
Plaintiff, ) Case No. CR03-287-TSZ  
10 v. ) **PROPOSED FINDINGS OF FACT**  
11 ) **AND DETERMINATION AS TO**  
TREVOR DUANE ROSE, ) **ALLEGED VIOLATIONS OF**  
12 Defendant. ) **SUPERVISED RELEASE**

---

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on January 27,  
15 2010. The defendant appeared pursuant to a summons issued in this case. The United States  
16 was represented by Patricia Lally, and defendant was represented by Zenon Olbertz. Also  
17 present was U.S. Probation Officer Jennifer Tien. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on January 4, 2004 by the Honorable Thomas S. Zilly for  
20 Importation of MDMA (Ecstasy). He received 70 months of detention and 2 years of supervised  
21 release.

22 PRESENTLY ALLEGED VIOLATIONS

23 In a petition dated January 11, 2010, U.S. Probation Officer Todd Wilson alleged that

1 defendant violated the following conditions of supervised release:

- 2 1. Committing the crime of assault fourth degree on December 31, 2009, in violation of a  
3 standard condition.
- 4 2. Committing the crime of criminal trespass second degree on December 31, 2009, in  
5 violation of a standard condition.
- 6 3. Failing to abstain from alcohol on or about December 31, 2009, in violation of a  
7 special condition.
- 8 4. Associating with a person convicted of a felony without permission of his probation  
9 officer on December 31, 2009, in violation of a standard condition.

10 FINDINGS FOLLOWING EVIDENTIARY HEARING

11 The government dismissed violations 1 and 2. Defendant admitted to violations 3 and 4,  
12 waived any hearing as to whether they occurred, and was informed the matter would be set for a  
13 disposition hearing on April 15, 2010 at 1:30 p.m. before District Judge Thomas S. Zilly.

14 RECOMMENDED FINDINGS AND CONCLUSIONS

15 Based upon the foregoing, I recommend the court find that defendant has violated the  
16 conditions of his supervised release as alleged above, and conduct a disposition hearing.

17 DATED this 27<sup>th</sup> day of January, 2010.

18  
19 

20 BRIAN A. TSUCHIDA  
21 United States Magistrate Judge  
22  
23